REMARKS

In the **non-final** Office Action of April 1, 2010, the Office noted that claims 24-26, 28, 30-36, 38, 39 and 41-53 were pending and rejected claims 24-26, 28, 30-36, 38, 39 and 41-53. In this amendment claims 24, 32 and 42-53 have been amended, no claims have been canceled, claims 54-67 are new, and thus, in view of the foregoing, claims 24-26, 28, 30-36, 38, 39 and 41-67 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

INTERVIEW

The undersigned wishes to thank the Examiner for meeting and interviewing this Application. The Applicants have further amended the claims in a manner consistent with our discussion.

REJECTIONS under 35 U.S.C. § 103

Claims 24-26, 28, 30-36, 38, 39 and 41-53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, U.S. Patent Publication No. 2003/0059205 in view of Takahashi, U.S. Patent Publication No. 2003/0179669, in view of Mitsuda, U.S. Patent Publication No. 2003/0193859. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim 24 to recite "at

36

least one of said first recording layer and said second recording layer comprising: an anchor area which is to record therein anchor information which is referred to in reading file system information for controlling at least one of recording and reproduction of the record information; and an update area, which update area is different from the anchor area **and whose position is variable**, to update-record therein the anchor information after a recording of a border area is finished, wherein the border area (i) is a recording unit by which the record information is alternately recorded and (ii) includes a first area portion in the first recording layer and a second area portion in the second recording layer whose radius position is substantially same as that of the first area portion." Support for the amendment may be found, for example, in ¶¶ 0182 and 0207 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Thus, the present claims have a novel feature such that "the anchor information, which is referred to in reading file system information, is update-recorded in the update area which is different from the anchor area in default whose position is fixed in advance, when the multi-border-recording (i.e. the recording by a unit of border area, as shown in Fig. 2 of the present application) is performed into the recording medium having two recording layers". Namely, the present invention is

to solve such a technical problem that the file system information cannot be read after the second border area is recorded (see page 33 line 14 to page 34 line 2 of the Specification).

However, Suzuki, merely discusses that anchor is updated (i.e. overwritten) only in the *fixed* anchor area (see paragraphs 49 and 59, and Fig. 3 of Suzuki). In other words, Suzuki merely discusses that the anchor is overwritten in the *fixed* anchor area (see paragraph 57 of Suzuki). Incidentally, Fig. 2C of Suzuki merely discusses the plurality of *fixed* anchor area each of which corresponds to respective one session (i.e. each of which is effective for only respective one session). Thus, Suzuki does not disclose that the anchor is update-recorded in the area which is different from the *fixed* anchor area.

In addition, Takahashi discusses that the optical disc 100 includes the data area 102 for recording therein a user data and the defect management areas 104, 105, 108 and 109 for recording therein the defect list 112 which manages N (N indicates an integer equal to or more than 0) defect areas existing in the data area 102. The defect list 112 includes the header 121, N defect entries 122 to 125 and anchor 126. The header 121, N defect entries 122 to 125 and anchor 126 are recorded in this order in the defect list. Thus, if the size of the defect list varies, it is possible to specify the end position of the defect list 112 by referring to the anchor 126.

Namely, the anchor 126 disclosed in Takahashi is merely the information indicating the end position of the defect list 112, and is not information which is referred to when the file system information is read. Therefore, it is hardly possible that the one of ordinary skill in the art combines the anchor 126 disclosed in Takahashi with the anchor information disclosed in Suzuki, because the characteristics or the roll of the anchor 126 disclosed in Takahashi is absolutely different that of the anchor information disclosed in Suzuki.

Further, Mitsuda does not disclose, suggest or teach the anchor which is referred to when the file system is read. Thus, Mitsuda does not disclose, suggest or teach that the anchor is update-recorded in the area which is different from the fixed anchor area. In addition, Ito does not disclose, suggest or teach the anchor which is referred to when the file system is read. Thus, it is obvious that Ito does not disclose, suggest or teach that the anchor is update-recorded in the area which is different from the fixed anchor area.

Therefore, separately or in combination, Suzuki and Takahashi (and further Mitsuda and Ito) do not disclose, suggest or teach that the anchor, which is referred to when the file system is read, is update-recorded in the area which is different from the fixed anchor area.

As described above, the claims solve such a technical problem that the file system information cannot be read after the

second border area is recorded (see page 33 line 14 to page 34 line 2 of the Specification).

According to the claims, four update block sector pointers and four update block sector effective flags are recorded or used, in order to eliminate the disadvantage such that the file system information cannot be read after the multi-border-recording is performed with respect to the second border area, which is formed after the recording to the first border area is completed. In addition, because four update block sector pointers and four update block sector effective flags are recorded or used, it is possible to update only one update block sector pointer and only one update block sector effective flag, which correspond to the update-recorded anchor information (i.e. update-recorded update block sector) in the case where it is not needed to update-record all of the anchor information.

Further, according to the claims, the following technical effect can be obtained (see page 33 line 15 to page 34 line 9 of the Specification). Specifically, the anchor data (anchor information) is recorded in the anchor point (anchor area) having a predetermined logical address on the optical disc 100 as shown in FIG. 3, so that it can be considered that the anchor data (anchor information) can be read without reference to the update block sector pointer 121. However, if the data is recorded by a unit of the border area, as explained in FIG. 2, the anchor data (anchor information) can be recorded into a

recording area other than the default anchor point (anchor area) which can be recognized by the information recording / reproducing apparatus. In other words, there is such a technical problem that the address value of the anchor point (anchor area) is changed by recording the data into the second border area, for example, so that the information recording / reproducing apparatus cannot properly recognize the anchor point (anchor area) which reflects the recording of the data into the second border area. This causes such a problem that it is impossible to read the anchor data (anchor information) recorded in each of the AP#1 to #4 (anchor area), so that it is impossible to read the file system information 101 and 111. In the claims, even in such a case, it is possible to properly read the anchor data (anchor information) because each of the four update block sector pointers (AP#1 to #4) 121 indicates the address value of a recording area (update area) in which the anchor data (anchor information) is update-recorded (which is a so-called updated anchor point). As a result, it is possible to read the file system information, preferably. The relevant operation will be discussed in detail in the explanation of the information recording / reproducing apparatus. This technical effect cannot be obtained by the diclosure in each of or the combination of Suzuki and Takahashi.

Further, the "update flag" disclosed in Mitsuda is not the flag which corresponds to the update-recording of the

respective one anchor information for reading the file system information. Therefore, the one of ordinary skill in the art cannot anticipate four update block sector pointers and four update block sector effective flags of the claims. In addition, Ito does not disclose, suggest or teach the four update block sector pointers and the four update block sector effective flags, because Ito merely discusses the optical disc of the opposite track path manner.

Therefore, the combination of Suzuki and Takahashi (and further Mitsuda and Ito) do not disclose, suggest or teach the features of the claims which solves the above technical problem and which can obtain the above technical effect. In addition, the one of ordinary skill in the art cannot anticipate the claims, which solves the above technical problem and which can obtain the above technical effect, on the basis of Suzuki and Takahashi (and further Mitsuda and Ito), because the combination of Suzuki and Takahashi (and further Mitsuda and Ito) cannot solve the above technical problem and cannot obtain the above technical effect.

For at least the reason discussed above, Suzuki, Takahashi and Mitsuda, taken separately or in combination, fail to render obvious the features of claim 24, 32 and 42-53 and the claim dependent therefrom.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claims 54-67 are new. Support for the additional claims may be found, for example, in Fig. 4 and on page 31 lines 8 to 22 of the Specification. The Applicants submit that no new matter is believed to have been added by the addition of claims 54-67. The prior art of record fails to disclose at least one of said first recording layer and said second recording layer comprises: four anchor areas which include (i) an area whose logical block address is "16h", (ii) an area whose logical block address is "256h" , (iii) an area whose logical block address is "LRA (Last Recorded Address) - 256h" and (iv) an area whose logical block address is "LRA", and the "LRA" is variable.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 24-26, 28, 30-36, 38, 39 and 41-67 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the fee of $520.00 for the extra claims added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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